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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,997	05/26/2006	Piero Andreas Madar	PU030323	7261

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Thomson Licensing LLC  
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EXAMINER
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VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2431

MAIL DATE	DELIVERY MODE
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06/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,997	<b>Applicant(s)</b> MADAR ET AL.	
	<b>Examiner</b> MICHAEL R. VAUGHAN	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **5/15/09** has been entered.

Claims 1, 3-8, 10-16, and 18-20 have been amended. Claims 1-20 are pending.

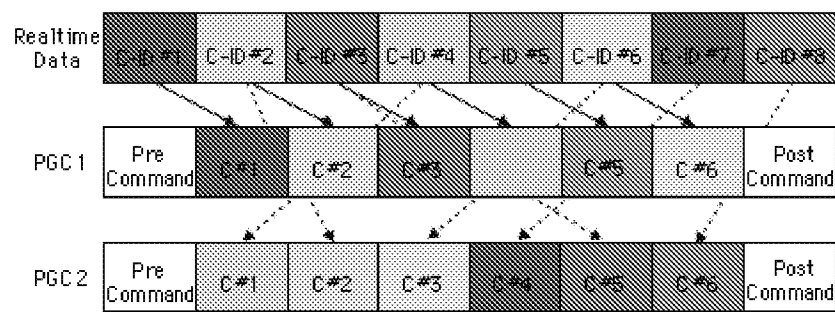
### ***Response to Arguments***

Applicant's arguments filed 5/15/09 have been fully considered but they are not persuasive. Applicant has alleged that Tsurui fails to teach storing the title and password within a first program chain and the password entry menu in another program chain. Examiner respectfully disagrees. First of all Tsurui invention explicitly complies with the DVD-video standard (0031, 0052). For more details of the how the DVD-video standard functions, Examiner has included a publication which highlights the material in question. The website <[http://www.pavtube.com/dvd/info\\_dvd\\_video\\_format.html](http://www.pavtube.com/dvd/info_dvd_video_format.html)> is

Art Unit: 2431

being referenced merely to support the details of the DVD-video format. According to the standard:

#### 1.4.1 Cells and PGCs



A cell is a unit of playback of real-time data. Each cell is identified with a fixed ID number. A Program Chain (PGC) defines the order in which cells are played back. That is, each **PGC defines the order in which the cell numbers are to be played. A title is comprised of one or more linked PGCs.** In a case such as a simple movie, where one title is comprised of one PGC, the cells recorded on the disc are played back in order, and so the cell numbers and cell ID numbers will be the same. If multiple titles with different stories in a title set are defined by their own PGCs, then each PGC will call out the cells to be played for that title and the order in which they are to be played, and the cell numbers and cell ID numbers will not be the same. In this way, the DVD specification defines PGCs and cells to allow the order and time relationship of the real-time data playback to be essentially arbitrary. This structure can be utilized to provide playback options such as parental level selection, angle selection, and story selection. Each PGC may also contain a pre-command, which is executed before playing back the first cell, and a post-command, which is executed after playing back the last cell. And the PGC may contain button or cell commands, which can be executed each time a cell is played. Through these commands and user operation, one PGC can branch into multiple PGCs, multiple PGCs can branch into the same PGC, etc., providing the possibility for many types of interactive playback.

It is apparent after further consideration of Tsurui and the DVD-video standard that the passwords are stored with the titles themselves. A title is comprised of one or more PGCs. If a DVD has more than one title, it must associate the password with the correct title. Tsurui teaches that once a title is selected to play back, a menu enter program is ran so the user can input a password to be matched to the one stored on the disc. This menu program uses the first password but this is not evidence that the first password is stored in the same chain as the menu. The menu is defined by program chains PGC#1-#5 of Figure 5(b) as these are ran in sequence to capture the user's input of a password to be matched to the stored password. Looking at [0051], it is apparent that the password is stored with the picture/audio data to conform to the DVD standard. The password is part of the playback control information, which is stored as a PGC in the VTSI, so that when a user selects a title with a password, the operation diverts to the password menu input as described above.

To summarize, Examiner finds Tsurui to teach the password and title are stored in a first PGC and the menu is in another PGC.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Japan Patent Publication 2003-132624 to Tsurui.

As per claims 1 and 8, Tsurui teaches a method and a digital recording and playback apparatus comprising:

- enabling a user to record digital signals onto a digital storage medium in a first program chain for password protection (0030);

- receiving a password from said user (0033);

- storing said password on said digital storage medium in said first program chain with said selected recording title (0051); and

- storing menu data representing a password menu screen on said digital storage medium in a second program chain different [collation PGC] from said first program chain (0042-46). Title is stored in PGC#10.

As per claim 16, Tsurui teaches a digital storage medium, comprising:

- a plurality of data fields [DVD standard] (0027); and

- wherein said data fields comprise a first program chain [PCG#10] for storing a selected recording title and a user-assigned password for said selected recording title (0051), and a second program chain different [collation PGC] from said first program chain for storing menu data representing a password menu screen (0042-46).

As per claims 2, 9, and 17, Tsurui teaches the digital storage medium is a DVD (0030).

As per claims 3 and 10, Tsurui teaches the step of storing at least one command on said digital storage medium in said first program chain (0071).

As per claims 4 and 11, Tsurui teaches at least one command causes said password menu screen to be displayed if playback of said selected recording title is attempted (0040).

As per claims 5, 12, and 19, Tsurui teaches first and second program chains are according to DVD specification (0037).

As per claim 6, Tsurui teaches wherein said at least one command includes a PRE command according to DVD specification (0041).

As per claim 7, Tsurui teaches a step of requiring said password to be input before playing back said selected recording title (0051).

As per claim 13, Tsurui teaches at least one command includes a plurality of commands [chain leads to multiple other commands with there respective pre/post commands; 0042-0046].

As per claim 14, Tsurui a plurality of commands comprise PRE commands according to DVD specifications [chain leads to multiple other commands with there respective pre/post commands; 0042-0046].

As per claim 15, Tsurui teaches requiring said password to be input responsive to said password menu screen before playing back said selected recording title (0047).

As per claim 18, Tsurui teaches said first program chain also stores at least one command [PGC#10; 0046 and Figure 5b].

As per claim 20, Tsurui teaches at least one command causes said password menu screen to be displayed if playback of said selected recording title is attempted (0040) and input of said user-assigned password is required before playing back said selected recording title (0051).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a



Application/Control Number: 10/580,997

Page 8

Art Unit: 2431

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431